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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,912	11/09/2001	James C. Martin	506399.000	2211

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EXAMINER

KUHNS, ALLAN R

ART UNIT PAPER NUMBER

1732

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/035,912

Applicant(s)

MARTIN ET AL.

Examiner

Allan Kuhns

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 19-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 14-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2-27-02.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1.Applicant's election with traverse of Group I, claims 1-18 in Paper No. 120503 is acknowledged. The traversal is on the ground(s) that the product cannot be made by securing an already cured sponge to the handle because an already cured sponge would not adhere sufficiently to the handle without cutting an opening for the handle in the sponge, and a method of making a sponge device where cuts were made in the sponge would create "float away" and thus would not make the product of the present invention. This is not found persuasive because it is this examiner's position that forming an opening in the sponge in order to secure the handle is implicit in the alternative process proposed by the previous examiner in order to form a substantially equivalent structure and it is also this examiner's position that adhesives of sufficient quality are available to substantially minimize "float away".

The requirement is still deemed proper and is therefore made FINAL.

2.Claims 19-41 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 120503.

3.The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4.Claims 1-13 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leland in view of Brown. Leland discloses or suggests the basic

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claimed process for forming a sponge device including (1) providing a form having a cavity therein, (2) introducing sponge forming material into the cavity, (3) placing a handle partially into the sponge forming material before the material is fully cured, wherein the material forms a sponge around part of the handle, and (4) removing the device from the mold. Note column 2, lines 39-43 in Leland. Heating to cure is well known and would have been obvious to one of ordinary skill in the art practicing the process of Leland in order to cause the sponge-like material to finally set in a desired shape. Leland does not teach the aspect of introducing a handle partially into each of a plurality of cavities and then molding material around each handle, but such is taught by Brown (note fig. 12 and the description at column 5, line 63-column 6, line 6). It would have been obvious to one of ordinary skill in the art to incorporate this teaching of Brown into the method of Leland in order to produce articles at a faster pace. It is noted that the shape of the cavities in Brown differs from that implicit in the molding process described in Leland at column 2, lines 38-43, but forming a mold in a shape complementary to that of a desired article, as in claims 1 and 12, is well known and would have been obvious to one of ordinary skill in the art in order to form an article having a desired shape.

The washing and drying steps of claims 2-8 are well known and their conduct would have been obvious to one of ordinary skill in the art in order to prepare the sponge wiper for use. Operating conditions, as in claim 4, would have been readily determined through routine experimentation by one of ordinary skill in the art as part of process optimization. Use of PVA and frothing with air, as in claims 9-10 and 13, are

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well known and would have been obvious to one of ordinary skill in the art in order to form a sponge from contemporary material. Use of a lining, as in claim 16, is also well known and would have been obvious to one of ordinary skill in the art in order to facilitate mold release. Introducing molding material through an open portion of a mold, whether top or bottom, as in claim 11, is well known and would have been obvious in order to complete the molding process. Compressing or felting, as in claims 17-18, is also well known and would have been obvious to one of ordinary skill in the art in order to provide a sponge of desired density and porosity.

5.Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This claim is indefinite because "said frothing agent" lacks antecedent basis within the claims.

6.Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7.Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allan Kuhns whose telephone number is (571) 272-1202. The examiner can normally be reached on Monday to Thursday from 7:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni, can be reached on (571) 272-1196. The fax phone

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number for the organization where this application or proceeding is assigned is 703

872-9306.

Allan R. Kuhns

ALLAN R. KUHN
PRIMARY EXAMINER AU 1732

2-5-04